

REMARKS

Claims 1, 3, 4, 7-10, 12-14, 17-19, 22 and 23 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 6,708,342 to Boersema in view of United States Patent No. 5,729,832 to Grilliot et al. Claims 3, 4, 13 and 14 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1, 7-10, 12, 17-19, 22 and 23, Applicant respectfully traverses this rejection.

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the Boersema reference in view of the Grilliot et al. reference because these two references relate to completely different types of clothing. More specifically, the garments of Boersema are disclosed as being intended for use by an infant, presumably in a traditional domestic environment. In contrast, the garments of the Grilliot et al. reference are for emergency workers, such as firefighters, who work in extremely hazardous environments. Even more specifically, the Grilliot et al. reference discloses abrasion-resistant, thermally protective garments with puncture resistant members at the forearms and the knees to protect the firefighter, or other emergency worker, from being injured by hypodermic needles. In contrast, the garments of Boersema are not intended for such a rough environment, but are instead intended to be worn by a baby. Applicant respectfully submits that one of ordinary skill in the art of infant clothing would not have looked to the firefighter garment industry to modify infant clothing because the fields of

expertise are too diverse. Accordingly, for at least this reason, Applicant respectfully requests the withdrawal of this §103 rejection.

Further, even assuming *arguendo* that one of ordinary skill in the art would have been motivated combine to Grilliot et al. with Boersema, the claimed invention of independent Claims 1, 10 and 19 would still not have resulted. More specifically, even if Grilliot et al. and Boersema were combined in the manner suggested by the Examiner, the resulting device would still lack the claimed soft padding that is made of a “sufficient quantity of fabric materials,” as now defined in amended independent Claims 1, 10 and 19. In contrast, the Boersema reference only recites that the pads, such as pad 158 of Figures 5 and 6, can be made of a gel filled sack. *See* col. 5, lines 14-15. Thus, the Boersema reference fails to disclose or suggest the claimed “fabric materials” of Claims 1, 10 and 19.

Additionally, the Grilliot et al. reference also fails to disclose or suggest the claimed “fabric materials.” Instead, the Grilliot et al. reference only discloses a layer of neoprene rubber. *See e.g.*, col. 5, lines 6-8. Further, the neoprene rubber of Grilliot et al. is only necessary because the emergency worker protective garment of Grilliot et al. includes puncture resistance members made of hard plastic (which are not found in Boersema), which would be uncomfortable without the neoprene rubber layer. Thus, the Grilliot et al. reference also fails to disclose or suggest the claimed “fabric materials.”

Thus, because the cited references fail to disclose or suggest all of the features of the present invention as defined in amended independent Claims 1, 10 and 19, Applicant respectfully requests the withdrawal of this §103 rejection for this reason also.

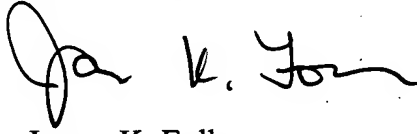
Claims 7-9, 12, 17, 18, 22 and 23 all depend, directly or indirectly, from either independent Claim 1, or independent Claim 10 or independent Claim 19, and therefore include all of the features of their associated base claim and any intervening claims, plus additional features. Accordingly, Applicant respectfully requests that the §103 rejection of dependent Claims 7-9, 12, 17, 18, 22 and 23 under Boersema in view of Grilliot et al. be withdrawn considering the above remarks directed to independent Claims 1, 10 and 19.

Finally, Applicant has also added new dependent Claims 24-26. Applicant respectfully submits that new Claims 24-26 are also allowable for at least the reasons discussed above with respect to associated independent Claims 1, 10 and 19.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

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